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UNCLAS VIENNA 000804

SIPDIS, SENSITIVE

GENEVA FOR USTR

E.O. 12958: N/A

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SUBJECT: Austria Pushing Member State "Self-Determination" Over Cultivation Of Biotech Crops

REF: VIENNA 312

¶1. (U) At the EU Agricultural Council in Luxembourg June 25, Austria proposed establishing Member State (MS) "self-determination" over cultivating transgenic agricultural crops, even those approved by the European Commission. Building on four qualified majority votes (the latest in March 2009) against the Commission's proposals to lift safeguard clauses with regard to certain biotech varieties, Austrians convinced twelve other Member States (Bulgaria, Ireland, Greece, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Poland and Slovenia) to support a "note" to the Council requesting that the European Commission consider amending its biotech environmental release regulation to include an MS "opt-out" clause. Environment Commissioner Stavros Dimas did not rule out such an opt-out clause, but said the Commission would await the results of an ongoing study (to be completed in September).

¶2. (U) The Austrian initiative, in the works since at least April, shows a somewhat new direction in its anti-biotech campaigning. The GoA now de-emphasizes its long-standing "scientific" arguments against agricultural biotechnology, instead calling for the development of "socio-economic criteria" by which MS may block biotech cultivation. The GoA Agriculture/Environment Ministry has said publicly that one "socio-economic" criterion may be that a popular majority in a MS opposes biotechnology (NOTE: In Austrian polls, a consistent majority of about 80 percent opposes biotech food).

¶3. (U) The GoA holds that MS blocking of biotech crops cultivation (of approved varieties) could be achieved through "minor" amendments to EU legislation based on the subsidiarity principle and the unanimity rule on decisions over land use.

¶4. (U) Agriculture/Environment Minister Niki Berlakovich said after the Council meeting that he is "very proud that Austria is now taking a leadership role on this issue. Nobody dared touch this sensitive issue beforehand!" He called the meeting outcome a "mandate" for the Commission to act, and said he expects no further Commission moves to lift Austria's biotech cultivation bans. In a pointed June 26 press release, Berlakovich declared: "Every country should now get the right to decide whether it wants to cultivate biotech crops or not. For Austria I can say: We do not want (them)!"

¶5. (SBU) COMMENT: The GoA is no doubt aware that its anti-biotech course will put the EU further at odds with WTO rulings on market access for approved biotech varieties. However, Austrian politicians have made a clear choice to side with the country's strongly anti-biotech public -- and are using this issue to pander to voters in Austria (a country in which EU approval ratings are consistently low). There are no signs that the GoA will relent, indeed it is likely to continue to push for legal mechanisms to legitimize total MS banning of biotech cultivation. END COMMENT.

HOH